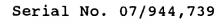
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UNITEO STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Addrees: COMMISSIONER DF PATENTS AND TRADEMARKS Weshington, D.C. 20231

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Part I		THE FOLLOWING	ATTACHMENT(C) ARE PART OF	THIS ACTION:		
1.	П	Notice of Reference	es Cited by Exer	niner. PTO-892.	2. Notice	re Petent Drewing, PTC)-948.
		Notice of Art Cited				of informal Petent Appl	
				ing Chenges, PTO	1474. 8. 🗌		
Part II		SUMMARY OF A					
1.	Ø	Cieims		66			ere pending in the epplication
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2.	П	Cieims					
3.		Claims					_ are allowed.
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4.	×	Cleims		· 2	2		ere rejected.
5.		Cleims					ere objected to.
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6.		Cleims				ere subject to restrict	ion or election requirement.
7,		This epplication h	es been filed with	n informel drewing	s under 37 C.F.R. 1.85 which	h ere eccepteble tor exa	aminetion purposes.
8.		Formei drewings	ere required in re	sponse to this Otti	ce ection.		
9.		The corrected or substitute drewings heve been received on Undor 37 C.F.R. 1.84 these drewings ere eccepteble not eccepteble (see explenetion or Notice re Petent Drewing, PTO-948).					
10.		The proposed edditionel or substitute sheet(s) of drewings, tilled on has (heve) been epprovad by the exeminer disepproved by the exeminer (see explenetion).					
11.		The proposed dre	wing correction,	filed on	, hes been	epproved. disappr	oved (see explanation).
12.		Acknowledgment	is mede of the c	ieim for priority un	der U.S.C. 119. The certifie	d copy hes 🔲 been re	celved not been received
		been filed in	perent epplicetlo	n, seriei no	; file	ed on	
13.		Since this epplica	etion eppeers to	be in condition tor	ellowence except for forme		s to the morits is closed in
		eccordence with	the prectice unde	er Ex perte Quayle	, 1935 C.D. 11; 453 O.G. 21	J .	



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Claims 1-66 are pending in this application.

The amendment received on December 21, 1992 has been entered.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-66 are rejected under 35 U.S.C. § 103 as being unpatentable over Japanese Patent Application #196,255(AL) and PCT Application # W089/00606 (AL') in view of Clandinin et al. (AA) and Traitler et al. (AI).

The claims appear to be drawn to processes, compositions and nutritional supplements for enriching infant formulas or milk by adding polyunsaturated fatty acids from microbial, plant and fish oil sources. JPA #196,255 teaches the process of adding microbial oils produced by Mortierella bacteria: to supplement milk for infants (see pages 4-5 and 7-8). The microbial oils

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contain polyunsaturated fatty acids such as gamma-linoleic acid (GLA), arachidonic acid (ARA) and eicosapantaenoic acid (EPA) (see pages 4-5 and 7-8). PCT Application # WO89/00606 teaches the supplementation of infant and adult nutritional formulas with microbial oils containing the polyunsaturated fatty acids docosahexaenoic acid (DHA) and EPA (see pages 3-5). microbial oils are obtained from the fungi, Pythium and from the microalgae, Nitzschia and Crypthecodium (see page 5). claimed subject matter differs from the primary references in claiming the addition of GLA obtained from plant and fish oils. To supplement infant formulas with GLA obtained from plant and fish oils would have been obvious in view of Clandinin et al. and Traitler et al. Clandinin et al. teaches the addition of fatty acids from fish oil to infant formula (see column 2, line 61column 3, line 8 and column 6, line 8 - column 7, line 17). Traitler et al. teach the addition of GLA to infant formula wherein the GLA is obtained from black current oil (see column 3, lines 21-61). The choice of various ratios for the ingredients is deemed to be nothing more than the optimization of the composition which is within the skill of the artisan. claimed subject matter fails to patentably distinguish over the state of the art as represented by the cited references. remaining references listed on the enclosed PTO-1449 are cited to show the state of the art.

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No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jordan whose telephone number is (703) 308-4611.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Frederick E. Wacce

Supervisory Patent Examiner

JORDAN:jd April 15, 1993